

Hon. Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SETH D. HARRIS,¹ Acting Secretary of
Labor,
United States Department of Labor,

Plaintiff,
v.

REDMOND HERBAL SPAS LLC.; a
corporation dba Asian Miracle Massage; and
MEI ZHENG aka Margaret Sutton,
individually,

No. 2:12-cv-1814-TSZ

ORDER GRANTING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT

THIS MATTER, having come before the Court upon Plaintiff's unopposed Motion for Summary Judgment, docket no. 9, and it appearing from the filings in this cause that: Defendants are employers employing employees in the business of providing massage services; Defendants failed to pay their employees the required minimum wage and/or overtime premium; and Defendants failed to keep the required records for its employees, it is hereby:

ORDERED, ADJUGED AND DECREED that the Court grants Plaintiff's Motion for Summary Judgment and finds that, for the purposes of the of the Fair Labor Standards Act (29 U.S.C. §§ 201-219; "the Act"), Defendants are employers, the individuals identified on Exhibit

¹ Seth D. Harris was appointed Acting Secretary of Labor on Jan. 24, 2013. Pursuant to Fed. R. Civ. P. 25(d) the caption has been changed to reflect the appointment.

1 A to the Complaint are Defendants' employees, and Defendants failed to pay their employees in
2 accordance with the Act or to keep records about their employees as required by the Act. The
3 Court therefore **ORDERS**:

4 (1) pursuant to Section 17 of the Act, Defendants, their officers, agents, servants,
5 employees, and all persons acting in their behalf and interest are prospectively enjoined from
6 violating the provisions of Section 15(a)(2) and 15(a)(5) of the Act;

7 (2) pursuant to Section 16(c) of the Act, Defendants are jointly and severally liable for
8 unpaid minimum wage and overtime compensation due Defendants' employees, and liquidated
9 damages equal in amount to the unpaid compensation due Defendants' employees. Those
10 amounts are as described Table 1 below;

11 (3) pursuant to Section 17 of the Act, Defendants, their officers, agents, servants,
12 employees, and all persons acting in their behalf and interest are prospectively enjoined from
13 withholding payment of unpaid minimum wage and overtime compensation due Defendants'
14 employees and pre-judgment interest computed at the underpayment rate established by the
Secretary of Treasury pursuant to 26 U.S.C. § 6621;

15 (4) Defendants are required to make all payments referenced above no later than 30 days
16 from the signing of this order. Payment is to be made via regular payroll checks to each
17 individual employee and Defendants are responsible for calculating and deducting all applicable
18 withholdings. Checks shall be made payable in the alternative to the named employee "or
19 USDOL" and shall be delivered by Defendants directly to the individual. For any individuals
20 whose address is unknown to Defendants, Defendants shall send the check directly to the
21 Department at the address below. For all other individuals Defendants shall send a copy of the
22 check, along with a statement of any deductions taken, to:

U.S. Department of Labor, Wage and Hour Division
300 Fifth Avenue, Suite 1125
Seattle, WA 98104

IT IS FURTHER ORDERED that to insure compliance with the requirements of the Fair Labor Standards Act Defendants shall:

(1) Install manual or electronic time clocks at each location and require every employee to use the time clocks to record all hours worked;

(2) Retain a third party payroll vendor to handle all payroll matters at each location, including preparation and issuance of paychecks;

(3) On a quarterly basis for a period of 24 months provide to the Wage and Hour Division at the address listed above a copy of the previous quarter's payroll along with a certification under penalty of perjury in a form to be provided by the Department that the certified payroll accurately reflects all hours worked by each employee; and

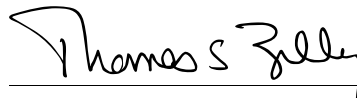
(4) On a quarterly basis for a period of 24 months provide to each employee a written notice of the employee's rights under the FLSA, said notice to be provided by the Department.

Table 1

NAME	PERIOD COVERED	GROSS AMOUNT DUE	LIQUIDATED DAMAGES	TOTAL DUE
Angel,	1/24/2010 - 4/11/2010	\$192.32	\$192.32	\$384.64
Choy, King Ball	10/31/2010 - 1/9/2011	\$1,764.46	\$1,764.46	\$3,528.92
Daine,	8/1/2010 - 10/17/2010	\$281.16	\$281.16	\$562.32
Huang, Qun Fang	3/7/2010 - 3/28/2010	\$325.72	\$325.72	\$651.44
Jiang, Bi Hui	4/11/2010 - 2/13/2011	\$8,392.29	\$8,392.29	\$16,784.58
Kevin,	1/9/2011 - 3/13/2011	\$944.57	\$944.57	\$1,889.14
Kong, Feng Jun	4/11/2010 - 7/11/2010	\$1,188.67	\$1,188.67	\$2,377.34
Li, Guo Yu	9/26/2010 - 5/1/2011	\$4,288.19	\$4,288.19	\$8,576.38
Li, Hui Fang	4/18/2010 - 7/18/2010	\$1,500.11	\$1,500.11	\$3,000.22

1	Lin, Li Qun	7/18/2010 - 9/19/2010	\$981.76	\$981.76	\$1,963.52
	Liu, Jian She	1/10/2010 - 3/27/2011	\$8,304.36	\$8,304.36	\$16,608.72
2	Ma, Hai Sheng	10/3/2010 - 5/1/2011	\$4,654.95	\$4,654.95	\$9,309.90
	Nguyen, Thu Bich	8/2/2009 - 11/1/2009	\$1,554.62	\$1,554.62	\$3,109.24
3	Peggy,	3/20/2011- 3/20/2011	\$23.98	\$23.98	\$47.96
4	Peter,	3/27/2011 - 5/1/2011	\$660.85	\$660.85	\$1,321.70
	Rymen, Lucy D	4/11/2010 - 5/1/2011	\$6,460.30	\$6,460.30	\$12,920.60
5	Sun, Yu Zhai	12/13/2009 - 10/24/2010	\$6,783.76	\$6,783.76	\$13,567.52
6	Sun, Zue Ling	4/11/2010 - 5/1/2011	\$8,425.81	\$8,425.81	\$16,851.62
	Victor,	3/20/2011 - 3/20/2011	\$23.98	\$23.98	\$47.96
7	Wang, Jin Gui	12/20/2009 - 1/10/2010	\$421.67	\$421.67	\$843.34
	Yang, Zhuo	7/18/2010 - 10/24/2010	\$1,914.74	\$1,914.74	\$3,829.48
8	Zeng, Kang Yuan	10/3/2010 - 5/1/2011	\$5,389.76	\$5,389.76	\$10,779.52
9	Zhang, He Ping	11/7/2010 - 5/1/2011	\$3,289.88	\$3,289.88	\$6,579.76
10	Total		\$67,767.91	\$67,767.91	\$135,535.82

11 DATED this 20th day of August, 2013.

12
13 

14 THOMAS S. ZILLY
15 United States District Judge

16 Presented by:

17 UNITED STATES DEPARTMENT OF LABOR

18 By: /s Bruce L. Brown

19 Bruce L. Brown, Associate Regional Solicitor

20 **Attorneys for Plaintiff**